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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Blakeley et al.

Application No: 09/890,569

Filed: July 31, 2001

Title: **VIRTUAL PROSPECTING USING
E-COMMERCE**

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Group Art Unit: 3628

Examiner: **GRAHAM, Clement B.**

Our File No.: 19011.1140

I hereby certify that this paper is being transmitted by facsimile on the date indicated below  
Date of Deposit: September 29, 2004

Signature Gregory Scott Smith, Reg. No. 40,819

**PRELIMINARY AMENDMENT TO FOR RCE APPLICATION AND  
PETITION FOR THREE MONTH EXTENSION OF TIME**

**Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**To the Patent Office:**

This is a preliminary amendment responsive to the final official communication mailed by the Office on March 30, 2004 for the above-identified case. The applicant urges the Office to carefully review this response in view of the Office's recent rejection of the pending claims. The applicant respectfully submits that it is overwhelming clear that the claims, as presented in the applicant's December 8, 2003 response, as well as this response, are allowable over the art cited by the Office and that the arguments presented by the applicant in the December 8, 2003 response were either not reviewed in line with the mission statement of the USPTO or were simply ignored. Based on the fact that the December 8, 2003 response included a request, in 20 point font, to change

Applicant Docket No. 19011.1140

the docket number for this case and yet, the docket number was not changed, the applicant concludes that the response must have been simply ignored. However, giving the Office the benefit of the doubt, the applicant further submits that the most recent response is diametrically opposed to the USPTO's mission statement.

The USPTO claims their "mission is to ensure that the intellectual property system contributes to a strong global economy, encourages investment in innovation, and fosters entrepreneurial spirit. The USPTO promotes industrial and technological progress in the United States and strengthens the national economy . . ." Based on the most recent official communication from the Office, which basically was a cut and paste from the previous official communication mailed by the Office on June 6, 2003, which in itself was based on irrelevant art, the applicant respectfully submits that the Office is directly discouraging investment in innovation and is squelching an entrepreneurial spirit.

The applicant's carefully reviewed the Office's June 6, 2003 official communication and provided clear and convincing evidence that not only were the claims allowable over the cited references, but that the cited references were not even appropriate references to serve as the basis for rejecting the claims – they are technologically irrelevant. The Office has clearly not provided an adequate, well reasoned, or even hinted at providing a reasonable examination in this case. This Office's actions have resulted in a tremendous waste of time, money and value for the applicant.

In this response, the applicant's resubmit the pending 12 claims, slightly amended only for clarity, and present the arguments from the previous response, rewritten to more clearly indicate the applicant's position. New claim 13 has been submitted.

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**NEW ATTORNEY DOCKET NUMBER**

Please change the docketing number associated with this case to the following number:

Attorney Docket No. 19011.1140

Applicant Docket No. 19011.1140

**Request for Extension of Time**

The applicant requests a three month extension of time under 37 CFR 1.136 and encloses  
PTO form 2038 for authorization to charge the \$475 fee to a credit card account along with the Fee  
Transmittal form and two copies of the petition.